

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JOAN ZIMMELMAN,

Plaintiff,

-against-

TEACHERS' RETIREMENT SYSTEM OF THE
CITY OF NEW YORK, INSURANCE DEPT.
OF THE STATE OF NEW YORK, and DEPT.
OF EDUCATION OF THE CITY OF NEW YORK,

Defendants.

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DEBORAH A. BATTS, United States District Judge.

This matter is before the Court upon the March 8, 2010
Report and Recommendation of United States Magistrate Judge Debra
Freeman (the "Report"). Judge Freeman's Report recommends that
Defendants' Motions to Dismiss ~~Plaintiff's~~ Plaintiff's Amended
Complaint (Docket ## 9 & 10) be ~~GRANTED~~ GRANTED in their entirety.
(Report at 1.)

"Within fourteen days after being served with a copy [of a
Magistrate Judge's Report and Recommendation], a party may serve
and file specific written objections to the proposed findings and
recommendations." Fed. R. Civ. P. 72(b)(2); accord 28 U.S.C. §
636(b)(1)(C). The district court may adopt those portions of the
report to which no timely objection has been made, so long as
there is no clear error on the face of the record. Wilds v.
United Parcel Serv., Inc., 262 F.Supp.2d 163, 169 (S.D.N.Y.
2003). "[F]ailure to object timely to a magistrate's report

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operates as a waiver of any further judicial review of the magistrate's decision." Caidor v. Onondaga County, 517 F.3d 601, 604 (2d Cir. 2008) (quoting Small v. Sec. of HHS, 892 F.2d 15, 16 (2d Cir. 1989)). This rule applies to pro se parties so long as the magistrate's report "explicitly states that failure to object to the report within [fourteen (14)] days will preclude appellate review..." Small, 892 F.2d at 16. Despite being advised of the procedure for filing objections in Judge Freeman's Report, and warned that failure to file objections would waive objections and preclude appellate review, (Report at 28-29) Plaintiff has filed no objections to the Report.

Having reviewed the Report, and finding no clear error on the face of the record, see 28 U.S.C. § 636(b)(1)(B), it is hereby ORDERED AND ADJUDGED that the Report and Recommendation of United States Magistrate Judge Debra Freeman, dated March 8, 2010, be and the same hereby is APPROVED, ADOPTED, and RATIFIED by the Court in its entirety. The Clerk of Court is directed to close the docket in this matter.

SO ORDERED.

Dated: New York, New York

March 26, 2010

A handwritten signature in black ink, reading "Deborah A. Batts", is written over a horizontal line.

Deborah A. Batts
United States District Judge